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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,435	11/03/2000	Ronald Schauer	4448/IBSS/DV	6410

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Patent Counsel M/S 2061
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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/706,435

Applicant(s)

SCHAUER ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is the first Office Action for serial number 09/706,435, Installation docking pedestal for pre-facilitation of wafer fabrication equipment, filed on November 3, 2000. Claims 1-20 are pending.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 20, drawn to a support apparatus for equipment, classified in class 248, subclass 678.
- II. Claims 14-16, drawn to a manufacturing equipment installation, classified in class 52, subclass 126.6.
- III. Claims 17-19, drawn to a method of installing manufacturing equipment, classified in class 52, subclass 741.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II/III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the equipment installation can include a support apparatus such as the support apparatus described in the Admitted Prior Art of Figs. 2-3. The subcombination has separate utility such as supporting

washing machines, hospital equipment, and other such devices that are supported at elevated positions above a floor.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Valerie Dugan on February 6, 2000 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-13 and 20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "flanges about the periphery of the frame" and the "flanges along the inner edges of the frame" must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 9 recite the limitation "the inner edges" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,243,197 to Wright. With regards to claims 1 and 20, Wright discloses a support apparatus comprising: a plurality of support legs (38) including at least one support leg aligned to each one of a plurality of load-bearing mounting feet (F) of a machine (CW) and a frame (12) disposed on the plurality of support legs and having a frame outline substantially duplicating the bottom outline of the machine (CW).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) of Fig. 2 in view of Admitted Prior Art (APA) of Fig. 1, and further in view of Wright. With regards to claims 1-5, 7-11, and 20 (considering the subcombination), APA of Fig. 2 discloses a support apparatus comprising: a plurality of support legs (131) extending down to a base mount location disposed at an interstice (at 133) of a waffle-grid floor (125) and a monolithic frame (135) disposed on the plurality of support legs, the frame including a flange (located between 135 and 139) about the periphery thereof for supporting raised flooring (139) and facilities connection locators (137) providing pluralities of connection points for site facilities. APA of Fig. 2 does not disclose the support legs aligned to each one of a plurality of load-bearing mounting feet of equipment or the frame having an outline substantially duplicating the bottom outline of the equipment. APA of Fig. 1 discloses a support apparatus comprising a plurality of support legs (121) extending down to a base mount location pad (123) on a waffle-grid flooring (125) and aligned to each one of a plurality of load-bearing mounting feet of a manufacturing equipment (111). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the APA of Fig. 2 by aligning the support legs with the load-bearing mounting feet because one would have been motivated to provide direct support for the load bearing feet in order to provide a more stable support apparatus. APA of Fig. 2 in view of APA of Fig. 1 discloses the support apparatus as applied above, but does not

disclose the frame having an outline substantially duplicating the outline of the equipment. Wright discloses the support apparatus as applied above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have contoured the frame outline to be a substantial duplicate of the equipment bottom outline because one would have been motivated to provide reduce the amount of material necessary to manufacture the frame as well as reduce the amount of floor space occupied by the frame and equipment mounted thereon. Regarding claim 5, APA of Figs. 1 and 2 does not disclose the frame being a molded steel frame; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the frame from iron, steel, or various other metals since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Regarding claims 8 and 9, APA of Fig. 2 disclose flanges on the periphery of the frame for supporting raised flooring but does not disclose the frame including flanges along the inner edges thereof. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed flanges on the inner edges of the frame because one would have been motivated to provide a structural means for supporting raised flooring as inherently taught by APA of Fig. 2.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA of Fig. 2 in view of APA of Fig. 1 in view of Wright, and further in view of U.S. Patent 5,107,775 to Langlais et al. (Langlais). With regards to claim 6, APA of Fig. 2 in view of APA of Fig. 1 in view of Wright discloses the support apparatus as applied above, but

does not disclose the support legs having an adjustable length. Langlais discloses a support apparatus (10) comprising a plurality of support legs (12,14) having an adjustable length. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the support legs to be adjustable in length because one would have been motivated to provide a means for raising the platform as taught by Langlais (Abstract, lines 1-2).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA of Fig. 2 in view of APA of Fig. 1 in view of Wright, and further in view of U.S. Patent 4,480,656 to Johnson. With regards to claim 12, APA of Fig. 2 in view of APA of Fig. 1 in view of Wright discloses the support apparatus as applied above, but does not disclose gooseneck couplings attached to the connection points. Johnson discloses a gooseneck coupling (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided gooseneck couplings at the facilities connection points because one would have been motivated to provide a means for connecting the supply lines to the equipment as inherently taught by Johnson.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over APA of Fig. 2 in view of APA of Fig. 1 in view of Wright, and further in view of U.S. Patent 5,323,903 to Bush et al. (Bush). With regards to claim 13, APA of Fig. 2 in view of APA of Fig. 1 in view of Wright discloses the support apparatus as applied above, but does not disclose the frame including a plurality of seismic braces. Bush discloses a support apparatus (Fig. 1) comprising a platform (P) having a plurality of seismic braces (30,50) affixed thereto and adapted to fix to an object supported thereon. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have modified the support apparatus by including seismic braces because one would have been motivated to provide a device for securing equipment mounted on the support frame during a seismic four (4) event as taught by Bush (col. 3, lines 1-2).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

2814995 to Sullivan, Jr. et al.; 3036375 to Schlosser, Jr. et al.;
3713620 to Tkach; 3843281 to Meylan et al.; 4505449 to Turner et al.;
4572474 to Derlich; 5333825 to Christensen; 5398620 to Rouch;
5713550 to Schwarzli; 6324800 to Valentz et al.

The above references disclose mounting apparatus relevant to application's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3598 (formal amendments) or (703) 308-3686 (informal amendment/communication).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
2/11/02


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PRIMARY EXAMINER